

EXHIBIT A – STIPULATIONS AND UNCONTESTED FACTS

Swanston

1. Constance Swanston (“Swanston”) owns the single-family residence at 7312 Stoney Point, Plano, Texas (the “Stoney Point Stoney Point Home”).
2. Constance Swanston does not reside at the Stoney Point Home and does not intend to reside at the Stoney Point Home.

Elevated

3. Women’s Elevated Sober Living LLC (“Elevated”) is a Texas Limited Liability Company.
4. Women’s Elevated is owned by Swanston and her husband James Kearins.
5. Elevated’s principal place of business is at 7849 Cassion Drive, Frisco, Texas 75034-0209 in the Eastern District of Texas.
6. Elevated operates a sober living home (“the Stoney Point Home”) at 7312 Stoney Point, Plano, Texas 75025 in the Eastern District of Texas.
7. Women’s Elevated Sober Living, LLC is a separate entity from Constance Swanston.
8. Women’s Elevated Sober Living only operates one sober living home, which is the Stoney Point Home at issue in this case.

The City of Plano

9. The City of Plano is a “public entity” within the meaning of the ADA, 42 U.S.C. § 2131(a), 28 C.F.R. § 35.104.
10. The City of Plano is subject to Title II and V of the ADA, 42 U.S.C. § 12132, and its implementing regulation, 28 C.F.R. Part 35.
11. The City of Plano’s Board of Adjustment is a “public entity” within the meaning of the ADA, 42 U.S.C. § 2131(a), 28 C.F.R. § 35.104.
12. The City of Plano’s Board of Adjustment is subject to Title II and V of the ADA, 42 U.S.C. § 12132, and its implementing regulation, 28 C.F.R. Part 35.

The Stoney Point Home

13. Elevated opened the Stoney Point Home in November of 2018.
14. The Stoney Point Home is 5,890 square feet.
15. The Stoney Point Home is in an SF-7 zoning district in the City of Plano
16. The Stoney Point Home has several living rooms, a spacious kitchen, and a dining room.
17. The Stoney Point Home is in a single-family residentially zoned area of the City of Plano, Texas.
18. Kendal Reed filed a complaint with the City of Plano in March of 2019.
19. The police have not visited the Stoney Point Home during the time the Stoney Point Home has been owned by Swanston.
20. By Elevated’s choice, children are not permitted to live in the Stoney Point Home.

Shannon Jones

21. Shannon Jones (“Jones”) is an individual residing at 7312 Stoney Point, Plano, Texas 75025 in the Eastern District of Texas.
22. Ms. Jones is a resident at the Stoney Point Home.
23. Ms. Jones is a house manager at the Stoney Point Home.
24. Ms. Jones has lived at the Stoney Point Home since April of 2019.
25. Ms. Jones is in recovery from substance abuse.

The Residents

26. The residents of the Stoney Point Home are addicts in recovery.

Other Stipulations

27. The City of Plano and the Board of Adjustment never moved for a temporary restraining order to stop the Stoney Point Home from operating after denying Elevated’s request for accommodation.
28. The City of Plano and the Board of Adjustment never moved for a preliminary injunction to stop the Stoney Point Home from operating.
29. Elevated applied to the Plano Board of Adjustment for an accommodation under the Fair Housing Act and Title II of the Americans with Disabilities Act.
30. Elevated’s requested accommodation would permit up to fifteen unrelated women to live in the Stoney Point Home.
31. In May 2019, the City of Plano held a public meeting concerning Elevated’s accommodation request.
32. At the end of the meeting, the City of Plano Board of Adjustment denied Elevated’s accommodation request of a zoning variance.
33. The City of Plano and the Board of Adjustment heard the public comments at this meeting when deciding the accommodation request.

Damages and Fees

34. Ms. Jones does not seek damages in any form.
35. Ms. Jones has assigned her rights to attorney’s fees for Fair Housing Act and Americans with Disabilities Act claims against the City of Plano and the Board of Adjustment to Disability Rights Texas via a representation agreement.
36. A copy of Ms. Jones’s representation agreement has been produced to the City of Plano and the Board of Adjustment representatives.
37. Should Ms. Jones be a prevailing party, the claimed hourly rate for Ms. Jones’s attorney of \$250.00 is reasonable.